

### **REMARKS/ARGUMENTS**

Claims 1 through 18 remain pending in this application.

Independent claims 1, 7 and 13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent Application Publication No. 2004/0242289, App. No. 10/452,353 (published Dec. 2, 2004) by Jellicoe, et al. [hereinafter "*Jellicoe*"].

Applicant has contemporaneously filed a terminal disclaimer with respect to *Jellicoe* as both *Jellicoe* and the instant application were under common ownership at the time the respective inventions were made. Recordation of assignment of the instant application to Motorola, Inc. may be found under USPTO assignment records, Reel/Frame 014659/0092, while recordation of assignment of *Jellicoe* to Motorola, Inc. may be found under USPTO assignment records, Reel/Frame 014148/0074. Specification of the assignment recordation is sufficient to establish assignee Motorola, Inc.'s right to take action regarding the instant application and also regarding *Jellicoe*. See 37 C.F.R. § 3.73(b)(1)(ii).

### **CONCLUSION**

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any

questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,  
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Attachments